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**FEB 07 2005**

**FAX COVER SHEET**

TO: **Examiner F. Pierre VanderVegt** FAX NO: **703-872-9306**  
COMPANY: **US Patent and Trademark Office,  
Technology Center 1644** CONFIRMATION NO: **(571)272-0852**

FROM: **Don J. Pelto** CLIENT-MATTER NO: **48506-00004**

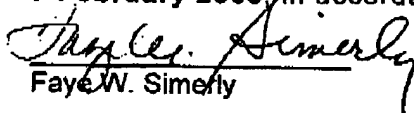
DATE: **February 7, 2005** TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: **2**

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☒ NAME: **Faye Simerly**  
EXT: **3724**

**COMMENTS**

**RE: US Patent Application Serial No. 09/831,112**

I hereby certify that the attached Communication is being transmitted via facsimile to the US Patent and Trademark Office on **7 February 2005**, in accordance with 37 CFR §§ 1.6 and 1.8.

  
**Faye W. Simerly**

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PAGE 1/2 \* RCVD AT 2/7/2005 4:25:00 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-1/3 \* DNIS:8729306 \* CSID:331 1024 \* DURATION (mm:ss):00:54

*RB*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	09/831,112	Confirmation No.	8305
Applicant	Philippe BENAROCH et al.		
Filed	25 May 2001		
TC/Art Unit	1644		
Examiner	F. Pierre VanderVegt		
Docket No.	48506-00004		
Customer No.	23767		

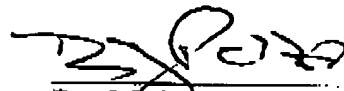
**COMMUNICATION****VIA FAX**

Sir:

The following summarizes a telephone conversation C. Rachal Winger (Reg. No. 55,815) of the undersigned's firm and representing the Applicants had with the Examiner on Friday, 4 February 2005. The Applicants contacted the Examiner because Applicants had a Sunday, 6 February 2005 deadline to file a Notice of Appeal but had not received an Advisory Action or Notice of Allowance before this time. The Examiner stated to Applicants' representative that because Applicants had filed a timely reply to his last communication and the present delay was the result of a delay at the USPTO, a failure to file a Notice of Appeal before the Sunday 6 February 2005 deadline would not result in abandonment of the application. Further, the Examiner stated that, because of the delay at the USPTO, he would fax a non-final office action to Applicants during the week of 7-11 February 2005. Accordingly, Applicants are not filing a Notice of Appeal today, Monday 7 February 2005, but instead are awaiting a non-final office action in view of the attestations of the Examiner.

Respectfully submitted,

7 February 2005

  
Don J. Pelt  
Reg. No. 33,754

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